

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

September 4, 2013

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission regular monthly meeting was opened by Chairman Hawkins at 9:12 a.m. on September 4, 2013.

- (a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Ron Brown
Michael Corey
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
James Hoch
Patrick Rich
Craig Von Deylen

Commissioners not present at the Commission meeting:

Tom Cloud
Joeden, representing the Commissioner, Department of Labor
Matt McNeill

- (b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Kara Snyder, Director, Legal and Code Services
Kurt Thompson, Manager, Code Technical Development
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
John Haines, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary

- (c) Gary Bippus, Administrative Law Judge, was present.

Chairman Hawkins stated he was still unhappy with the number of incomplete applications. He noted that 73% had been incomplete last month, and that by August 16th, 83% were incomplete. He asked that more effort be put into providing complete applications by the filing deadline.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the August 6, 2013, meeting. Commissioner Mitchell had provided a correction request via email, noting that in Item 8, the word "annual" should be "acceptance" in the N.A. 12 Code Change discussion. Commissioner Corey moved to approve the minutes as amended with the second by Commissioner Hoch. It was voted upon and carried.

3. Ordinances

Town of Chandler Ordinance No. 13-14
Chandler, Indiana

Mara Snyder, Director, presented the ordinance recommending approval. Commissioner Corey moved to approve the ordinance, with the second by Commissioner Richard. It was voted upon and carried.

4. Variances

Tabled Variances

The proponent for variance 13-06-2, 2013 SVT Elevator, Munster, and 13-06-9, 2013 SVT Elevator, Hammond, had submitted a report on the two elevators, however, it was not the information which the commission had requested. Commissioner Brown moved to table for thirty days, with the second by Commissioner Corey. It was voted upon and carried. Variance 13-06-1, Heritage Heights Apartments Remodel, Crawfordsville, was represented by Pat Chapman, Consolidated Property Management. The building had 2 commercial suites, and neither were currently rented. The owner wished to convert the suites to apartments, feeling that the apartments would be easier to rent. The request was to omit the sprinklers. The facility has a monitored fire alarm system in place. The building had been constructed in 1913 with high ceiling and plaster walls, and the owner did not want to damage them. Following discussion, Commissioner Von Deylen moved to deny, with the second by Commissioner Brown. It was voted upon and carried. Variance 13-08-31, First Church of Christ Teen and College Ministry Building, Bluffton, was represented by Ed Rensink, RTM Consultants. Also speaking was Chris Broderick, Bluffton Fire Department. He noted he had removed his opposition to the variance after reaching an agreement with the facility to have a fully automatic and manual fire alarm system with auto-dialer to Bluffton City Dispatch, no overnight programs, and a posted occupant

load of under 300 persons. Following discussion, Commissioner Von Deylen moved to approve with the conditions listed by Mr. Broderick. Commissioner Hoch made the second. It was voted upon and carried, with one nay vote. Variance 13-08-38, Avondale Meadows Health and Wellness Center, Indianapolis, was represented by Ed Rensink, RTM Consultants. A revised application had been submitted concerning the reach requirements in the kitchen. The proponent stated he felt the variance was not required due to the exception in Section 1109.13 of the Building Code. Following discussion, Commissioner Brenner moved that no variance was required. Commissioner Richard made the second. It was voted upon and carried. The proponent for variance 13-08-42, Wishard Hospital Replacement Facility Hospital/ACB Building, Indianapolis, had requested it be tabled. Commissioner Hoch moved to table with the second by Commissioner Hite. It was voted upon and carried. The proponent for variance 13-08-52, International School of Columbus, Columbus, had requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner Richard. It was voted upon and carried.

Regular Variances

Chairman Hawkins called for any abstentions or variances to be called out of the block vote. Commissioner Von Deylen called out 13-09-22, The Depot - Fishers Town Center, Fishers. Commissioner Brown called out 13-09-19, Magic Retail Store, Naperville, and variance 13-09-40(b), Pine Grove Parochial School, Ellettsburg. He also requested variances 13-09-9, McDonalds-Berne, Berne, and 13-09-31, Ambrosia, Indianapolis, be voted upon separately. Commissioner Richard noted he would abstain from voting on variance 13-09-34(a)(b), Thompson Brothers Paint Booth, Lafayette. Commissioner Corey then moved to approve all remaining "A" variances, with the second by Commissioner Hite. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 13-09-26(a) Benner Storage Complex, Chesterton
- (2) 13-09-25 Health & Aesthetics Greenbush Vein Clinic, Lafayette
- (3) 13-09-4 Sunday Workers Splashing Safari Freedom Train, Santa Claus
- (4) 13-09-6 Christian Care Assisted Living Dining Room Renovation, Bluffton
- (5) 13-09-11 Hermon High School, Indianapolis
- (6) 13-09-12 Ballard Storage Building, New Albany
- (7) 13-09-13 Maplehurst Bakeries, Brownsburg
- (8) 13-09-14 Grand Park Press Box/Concession Building, Westfield
- (9) 13-09-16 Ivy Tech Bloomington Addition, Bloomington
- (10) 13-09-21(f) Fertilizer Storage and Blending Building, Poseyville
- (11) 13-09-24 Brownsburg Meadows 4 & 5-Plex Residential Buildings, Brownsburg
- (12) 13-09-25(a)(b)(c) Pilgrim Manor Nursing Home, Plymouth
- (13) 13-09-26 Warren Village, Terre Haute
- (14) 13-09-27 The Residences on Ronald Reagan, Avon
- (15) 13-09-29 T-Shed, Indianapolis
- (16) 13-09-32 Legends Row at Eddy Street Commons Building D, South Bend

- (17) 13-09-33 Methodist A4North Patient Room Renovation, Indianapolis
- (18) 13-09-35 Columbus Municipal Airport Self-Serve Fuel, Columbus
- (19) 13-09-40(a)(c)(d)(e) Pine Grove Parochial School, Etna Green
- (20) 13-09-41 North HS/Jr. High School Restroom Accessibility, Evansville
- (21) 13-09-42(b) Fletcher Chrysler Dodge Jeep, Franklin
- (22) 13-09-44 Washington County Jail Addition, Salem
- (23) 13-09-47(d)(e) The Lofts at Pulliam Square, Indianapolis
- (24) 13-09-51 Clarks Crossing, Vincennes
- (25) 13-09-53(b) Smith and Sons Funeral Home Building Addition, Columbia City
- (26) 13-09-54 Art Van Furniture, Ft. Wayne
- (27) 13-09-57 Stones Bay II Building 101, Greenwood
- (28) 13-09-58 McDonalds – Camby, Camby
- (29) 13-09-60 Studio Movie Grill, Indianapolis

The following variances were heard separately:

- (30) 13-09-1 516 Northwest Avenue, Lafayette

The application was incomplete. Commissioner Corey moved table, with the second by Commissioner Richard. It was voted upon and carried.

- (31) 13-09-2(b) Bennett Storage Complex, Cresterton

Staff had recommended no variance required. Following a brief discussion, Commissioner Von Deyn moved no variance required, with the second by Commissioner Corey. It was voted upon and carried.

- (32) 13-09-5 Bed and Breakfast, Greencastle

Mark Riffey, Ryan Fireprotection, spoke as proponent. In lieu of the code-required fire pump, the proponent offered an unlisted booster pump and a 3,000 gallon water tank for the 43R sprinkler system. This was to compensate for a water supply unable to support a sprinkler system. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (33) 13-09-7 Ben's Pretzels, Shipshewana

Tim Callas, J&T Consulting, spoke as proponent. The request was to omit sprinklers, citing a cost hardship. The proponent stated they would be installing a 2-hour fire barrier between the rental/staging area and the customer/kitchen areas, and between the kitchen/customer order area and the restroom/customer eating area. There would be no

permanent seating installed, and they would be only 2 people over the allowable occupant load. Heat and smoke alarms, linked to the local fire department, would be installed. The cost of installing the sprinkler system would be approximately 15% of the budget. Following discussion, Commissioner Brenner moved to deny, with the second by Commissioner Hoch. It was voted upon and carried.

- (34) 13-09-8 North Meridian Professional Center, Indianapolis

The application was incomplete and ineligible to be heard. Commissioner Brown moved to table, with the second by Commissioner Richard. It was voted upon and carried.

- (35) 13-09-9 McDonalds – Berne, Berne

This had been called out from the block vote for individual vote. Commissioner Corey moved to approve, with the second by Commissioner Brenner. It was voted upon and carried with one nay vote.

- (36) 13-09-10 The Art and Wilma Hill B. House at Camp Rock, Glenville

H. Doug Bruce, Tabor/Bruce Architecture, spoke as proponent. A two-story building, of pole barn construction, was to be built adjacent to Lake Lemon. There would be no HVAC or plumbing installed. The building was to be located on a hillside, allowing the two properly separated from the second floor, intended for instructional purposes at the day camp, to exit directly to grade. The lower floor would be used for storage of boats and boating equipment used by the camp. Smoke alarms would be installed. Walter Knaepple, Fire and Code Enforcement, advised the Commission that the camp is inspected annually to maintain its certification, and that he had nothing but praise for the facility. Jim Gerstbach, Monroe County Building Department, also supported the variance. Following discussion, Commissioner Hoch moved to approve with the condition that there was to be no overnight stays, continued annual fire inspections, that the second floor be used for day camp instructional purposes only, and that there be no alcohol allowed. Commissioner Corey made the second. It was voted upon and carried.

- (37) 13-09-11 Glenn Howard Senior Apartments, Indianapolis

Damon Adams, D. O. Adams Consulting Services, spoke as proponent. The facility is a sprinklered, 4-story senior apartment building. Booster fans were to be installed in the dryer vents, per manufacturer's instructions, and would meet the exception for commercial units. Signs were to be mounted on the wall stating the vents were equipped with a remotely located booster fan. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (38) 13-09-17(a)(b)(c) Ball State University Planetarium, Muncie

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in (a) was to allow a 2-hour fire barrier to separate the existing structure from the addition. The addition was to be of concrete construction, with some steel in the roof. The addition was to be sprinklered. Variance (b) was to allow the projection dome to have sprinklers omitted. Sprinkler heads would interfere with the presentation. Side wall sprinklers were to be installed instead, and their coverage would reach all but the center four feet of the floor. Following discussion, Commissioner Brown moved to approve both variance (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (c) was to allow the exit signs to not be illuminated during programs. It was felt they would detract from the program presentations. They would, however, be tied to the alarm system, and would illuminate upon activation. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (39) 13-09-18 303 E. Smith Ave. Windows, Bloomington

Staff had felt this variance was not required. The building was constructed before July 1, 1986, and the codes prior to that date can be enforced. Commissioner Brenner moved that no variance was required, with the second by Commissioner Richard. It was voted upon, and carried.

- (40) 13-09-19 Fabric Retail Store, Nappanee

Richard Schmuehle, owner, spoke as proponent. The request was to be allowed to use Chapter 13 for the use of an accessory building, though they are 250 square feet over the allowed area. The plan was to use approximately 650 square feet of the first floor for the store, with exits, exit signs, smoke detectors and fire extinguishers. Following discussion, Commissioner Brenner moved to approve, with the condition that the store be only on the first floor. Commissioner Richard made the second. It was voted upon and carried.

- (41) 13-09-20 North Knox School Corporation New Auxiliary Gym, Bicknell

Dennis Bradshaw, FP&C Consultants, spoke as proponent. The 42,000 square foot addition was not to be separated by a 4-hour, structurally independent fire wall as required by code. The addition was to be located slightly away from the existing structure, and was to be joined to it by connectors. It was to be separated by a 2-hour fire barrier, and to be protected with an NFPA 13 sprinkler system. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (42) 13-09-21(c) Posey County Fertilizer Storage and Blending Building, Poseyville

Tim Callas, J&T Consulting, spoke as proponent. The floor height and height of the concrete apron leading into the building were not even, presenting a possible trip hazard. The proponent noted that the occupants/workers were usually seated in machinery while in the facility, and rarely on foot. Following discussion, Commissioner Brown moved to approve, with the condition that a sign warning of uneven flooring be posted. Commissioner Corey made the second. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 10:35 a.m. It was called back to order at 10:45 a.m.

- (43) 13-09-21(a) Fertilizer Storage and Blending Building, Poseyville

The application had been overlooked in the block vote. Commissioner Corey moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

- (44) 13-09-22 The Depot – Fishers Town Center, Fishers

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request was to allow the exterior walls of the building to be rated for fire exposure from the inside only, while the code requires fire rating for both sides. The building was to be sprinklered with an NFPA 13 system, and the exterior walls be brick over cement fiber board. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (45) 13-09-25(c) 237 Washington Street Columbus, Columbus

Ed Rensink, RTI Consultants, spoke as proponent. Also present was Louis Joyner, architect. Two variances, 13-06-40(b) and 13-06-40(c), had been granted previously. The current application were a request to supersede those variances and allow the previous variances to go with the building, and not with the building owner as conditioned. Following discussion, Commissioner Brown moved to approve both variance (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

- (46) 13-09-25(d) Pilgrim Manor Nursing Home, Plymouth

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The owner was to enlarge and reconfigure fifteen patient restrooms, installing showers. The alterations, however,

will not provide the clear floor space needed for full accessibility. Phase 1 and 2 additions would provide 24 fully accessible patient restrooms, in addition to the common use bathing facilities already provided. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (47) 13-09-28 Bailey Park at Avon, Avon

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of a 13D sprinkler system in lieu of the code-required 13R. The units are slab on grade, with 2 exits, and separated with 1-hour fire barriers. Following discussion, Commissioner Brown moved to approve if compliant with 2010 edition 13D requirements, with the second by Commissioner Corey. It was voted upon and carried.

- (48) 13-09-30(a)(b)(c) Norwell High School Revitalization, Ossipee

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. In variance (a), the 4-hour fire wall was found to have been improperly constructed in 1988. It was not structurally independent, it did not terminate at the roof deck with fire stopping, and the roof joists were not properly sealed. The addition, however, had been sprinklered. In variance (b), the first floor was to be put into further compliance by the addition of two non-combustible canopies. In variance (c), two pairs of doors were to be removed from a fire wall between the original building and the sprinklered 1988 additions, with sprinkler protection on both sides of the doorways. Following discussion, Commissioner Hoch moved to approve (a) and (c). Commissioner Corey made the second. It was voted upon and carried.

- (49) 13-09-31 Ambrosini Model, Manchester

The variance had been called out for an individual vote. Commissioner Richard moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with one nay vote.

- (50) 13-09-24(a)(b) Thompson Brothers Paint Booth, Lafayette

Kelly Geary Architect, spoke as proponent. Variance (a) was to allow the existing combustible exterior walls and openings to remain unrated. The walls had complied with the code of record until the property lines had been redrawn. They are now within 10 feet of the line, abutting a 17-foot-wide parcel of land which will not be built upon. The facility had a fire hydrant on site. Variance (b) was to allow the construction of a 2-hour fire barrier, dissecting the building into two parcels, in lieu of the code-required fire wall. The adjacent property owner was not willing to provide access for construction of a new fire wall. Following discussion, Commissioner Brown moved to approve both (a) and (b).

Commissioner Corey made the second. It was voted upon and carried. Commissioner Richard abstained.

(51) 13-09-36 Riley Hospital for Children Sequence 3b, Indianapolis

The proponent requested the application to be tabled until October. Commissioner Hoch moved to table, with the second by Commissioner Corey. It was voted upon and carried.

(52) 13-09-37 International Academy of Film and Television, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A new tenant in an existing building was to put classrooms in the sprinklered basement. The request was to omit rated corridors in the basement, while having code-compliant corridors on the unsprinklered first and second floors. The facility had been constructed with cast-in-place concrete floors to support heavy printing presses and now provides a fire barrier separation of the basement. Manual fire alarm stations would be installed. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(53) 13-09-38 Carmel Senior Living, Carmel

Laura Scott, Gastinger Walker Harden Bee Triplett Buck, spoke as proponent. The entry doors of units AB2, B, B2, and C, swing into the path of egress from the bathroom of the #1 occupancy facility and the request was to allow them to remain as constructed. Following discussion, Commissioner Brenner moved to deny, with the second by Commissioner Devlen. It was voted upon and carried.

(54) 13-09-39 Youth and Family's New Activity Center, South Bend

Joseph Dzierla, architect, spoke as proponent. The request was to omit sprinklers in the space intended as an indoor exercise space for the residents during inclement weather. With no city water available, a 12" well, diesel engine driver or three-phase power to operate the system would terminate the project, since the organization depended upon donations. He noted that the occupant load, calculating only the gym space, would be 161, and with accessory areas, the occupant load would be 178. As an assembly space, however, the occupant load was calculated to be 300. When asked about the mezzanine, the proponent advised that it was for storage. Following a lengthy discussion, the proponent requested it be tabled to allow him to discuss options with the owner. Commissioner Corey moved to table, with the second by Commissioner Brown. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission for lunch at 11:55 a.m. It was called back to order at 1:05 p.m.

- (55) 13-09-40(b) Pine Grove Parochial School, Etna Green

The variance application had been called out of the block vote by Commissioner Brown. Following discussion of the request to omit the sprinklers in the Amish school, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried, with one nay.

- (56) 13-09-42(a) Fletcher Chrysler Dodge Jeep, Franklin

Ed Rensink, RTM Consultants, spoke as proponent. The facility's existing exterior, under-roof showroom was to undergo an updating of the facade, required by corporate, by enclosing the two open sides with new exterior walls. The request was to allow the existing, rated walls to remain without modification and the addition of new rated walls. The project does not increase building area since the addition in question is currently under roof, does not increase any S-1 occupancy area, and the use of the existing 2-hour walls to separate the showroom from the storage area would not be adverse to safety. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

- (57) 13-09-43 Stratton-Kramer Funeral Home Chapel Addition, Versailles

Ed Rensink, RTM Consultants, spoke as proponent. A 751 square foot addition was to be added to the 7,000 square foot facility. The request was to omit the sprinkler system, called for by the new calculated occupant load of 300 persons. An exterior exit was to be added in the addition, giving a travel distance of less than 50 feet. A fire alarm system was to be provided as well. The cost of the sprinkler system was \$43,000, and the cost of the project was \$5,000. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with one nay.

- (58) 13-09-44 Chef Buzzane, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. An 830 square foot second floor addition was to be constructed for the tenant in the existing, multi-unit building. Per code, the construction must be non-combustible. The request was to allow the use of fire-retardant treated wood to construct the floor and stairway. The kitchen of the catering business has commercial equipment with a Type 1 hood. Following discussion about the costs of compliance, the proponent requested the application be tabled to allow him to get

additional information about costs. Commissioner Corey moved to table, with the second by Commissioner Hite. It was voted upon and carried.

(59) 13-09-46(a)(b) Nanshan America AAT Cast House, Lafayette

Staff had recommended that no variance was required for either application. Following a brief discussion, Commissioner Brenner moved that no variance was required for both (a) and (b). Commissioner Corey made the second. It was voted upon and carried.

(60) 13-09-47(a)(b)(c)(f)(g) The Lofts at Pulliam Square, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Variance (a) was a request to use 2-hour fire barriers, in lieu of the code-required fire walls, to separate the new construction from the existing parking garage and apartment above the podium into separate building areas. The building was to be protected with NFPA 13 and NFPA 13R sprinklers, and they will comply with Type IA fire resistive structure requirements. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (g) was to allow the existing parking garage to remain classified as an open parking structure, though it does meet the linear length requirement; it does not meet the required exterior openings on each tier, and requires mechanical ventilation. One percent of each tier is enclosed. Following discussion, the proponent requested the application be tabled to allow for the acquisition of mechanical plans stamped by a mechanical engineer. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was to allow an NFPA 13R sprinkler system in the four story apartment building constructed above a "podium" structure. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with a majority vote. Variance (c) was to allow the total height of the building to exceed that allowed by code for a 13R system. The upper portion of the building was to be constructed with an NFPA 13R system, and was within allowable area and height for the 13 system. The lower structure was Type IA construction and separated from the Type IA by a 3-hour floor assembly. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Variance (f) was a request to be allowed to use fire-retardant treated wood for stairs within the two-story apartment units. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(61) 13-09-48 White Lick Commons, Danville

Mark Riffey, Ryan Fireprotection, spoke as proponent. The request was to use a 13D sprinkler system in the slab on grade, one story apartments, instead of the code-required 13R. Each apartment would have its own exit directly to the exterior, and the units would

be protected by a 2-hour separation from the neighboring unit. Following discussion, Commissioner Brown moved to approve, with the condition that the 2002 edition of NFPA 13D be used. Commissioner Corey made the second. It was voted upon and carried.

Breaking and reconvening Chairman Hawkins recessed the Commission at 2:20 p.m. It was called back to order at 2:31 p.m.

(62) 13-09-49 Crepe Guys Tenant Finish, Indianapolis

Tim Callas, J&T Consulting, spoke as proponent. The tenant space has a 2-hour fire wall to the east, and a 1-hour fire barrier to the west. The request was to omit a sprinkler system and be allowed to apply a paint product to the west wall which would provide a fire-resistive value greater than 2 hours. Documentation of the paint's test performance was provided. Following discussion, Commissioner Don Dwyer moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(63) 13-09-50(a)(b) Home Acres Building Supply, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The Indianapolis Fire Department had cited the facility. Variance (a) was to omit a sprinkler system, smoke and heat vents in a facility which has been operating in the same method from 1975, with high piled storage, rubber, ceiling tile, rubber mats, etc, in two open-sided storage buildings. Wide aisles were provided, and the high-piled condition was not throughout both buildings. Variance (b) was to allow the facility to exceed the amount of diesel fuel for the fork lift trucks, Class II combustible liquids, allowed by code. The proponent noted that the building and storage conditions predated the Commission, suggesting that the Fire Code could not be enforced retroactively in this case because the Fire Code sections had and have been considered to apply only to new construction. Following discussion, Commissioner Corey moved that no variance was required for (a) or (b). Commissioner Hines made the second. It was voted upon and carried.

(64) 13-09-52(a)(b) The Lebermuth Company, South Bend

Christina Grester, RTM Consultants, spoke as proponent. The company was moving into a new facility which would allow them room for growth. The warehouse would be used for storage, and the new addition for the processing of materials to produce and extract oils, flavors and fragrances. The areas would not be provided with occupancy separation walls. The facility would be protected with a pre-primed, foam sprinkler system and rack foam systems which would offset the deficiencies of the existing building. There would also be a containment system in place. Following discussion,

Commissioner Corey moved to approve both (a) and (b), with the second by Commissioner Brenner. It was voted upon and carried.

(65) 13-09-53(a) Smith and Sons Funeral Home Building Addition, Columbia City

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the sprinkler system in the one-story addition and renovated area of the facility. The calculated occupancy load was 324, based on an assumption of wall-to-wall room seating or standing space in the entire area. A fire alarm system and full smoke detection system would be provided in the area used for viewings and funeral services. No food or alcohol service would be involved, and the facility would not be rented for outside groups. Following discussion, Commissioner Brenner moved to approve with the condition a third exit be installed from the southeast corner. Commissioner Richard made the second. It was voted upon and carried.

(66) 13-09-55(a)(b)(c) Gerda Addition, Muncie

Tim Callas, J&T Consulting, spoke as proponent. The request for (a) was to omit the 2-hour fire wall between the existing structure and the addition. The hardship involved is the overhead crane runs the length of the building for production of rebar and its storage would be affected. Following discussion, Commissioner Hoch moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Variance (b) and (c) dealt with plumbing and accessibility issues. The addition would not be provided with plumbing, thereby not providing the service sink, restrooms or emergency eyewash station. Building One has an existing unisex restroom, but it is not accessible, nor on an accessible route. The buildings are not heated. Following discussion, Commissioner Hoch moved to approve (b) and (c) with the condition the properly signed applications be presented to staff by September 6, 2013. Commissioner Van Deylen made the second. It was voted upon and carried.

(67) 13-09-56 Snider High School Renovations, Ft. Wayne

Ed Rensink, RTM Consultants, spoke as proponent. The renovation of the existing high school would be done on a phased basis, with completion expected in August, 2015. The request was to allow the corridor smoke detectors to be taken out of service in the area in which the renovation is being done, and the new fire alarm system was being installed as well as a sprinkler system. An air horn would be used for alarm notification, and manual pull stations would also be available. Following discussion, Commissioner Brenner moved to approve until August 2015. The second was made by Commissioner Hite. It was voted upon and carried.

- (68) 13-09-59 Sigma Alpha Mu Fire Alarm System, Bloomington
13-09-61 Phi Kappa Psi Fire Alarm System, Bloomington

Christina Colleser, RTM Consultants, spoke as proponent. The request for both variances was to be allowed to use a single transmission path, Internet Protocol (IP) monitoring, for the fire alarm system. The current code requires two means, though the IP method is checked once every 90 seconds, while the phone lines under the 2002 NFPA 72 are checked once every 24 hours. Tim Clapp, Bloomington Fire Department, presented objections to the technology. Jim Gerstbauer, Monroe County Building Department, was also present. Andy Messner, Koorson Fire and Safety, also presented information on the system. Following a lengthy discussion, Commissioner Corey moved to temporarily approve both variances for thirty days to allow the continued use of the buildings, with final action to be taken at the October meeting, with the second by Commissioner Hite. It was voted upon and carried.

5. Approval of readoption of rules under LSA Doc. #13-182 by the Boiler and Pressure Vessel Rules Board

Commissioner Corey moved to approve LSA Doc. #13-182, as requested by the Boiler and Pressure Vessel Rules Board on September 12, 2013, concerning the readoption of administrative rules that will expire on January 1 of the seventh year after the rules take effect, as published in the Indiana Register on May 9, 2013, at DEN:20130508-13580130182RNA. Commissioner Hite made the second. It was voted upon and carried.

6. Approval of emergency rule LSA Doc #13-xxx adopted by the Boiler and Pressure Vessel Rules Board.

Following a brief explanation of the purpose of the proposed adoption led by Mara Snyder, Director, Legal and Code Services, Commissioner Corey moved to approve LSA Doc. # 13-xxx(E), the emergency rule for the adoption of specific sections of the ASME Boiler and Pressure Vessel Code, 2011 edition, with 2011 addenda, the NBIC Code, 2011 edition, and API Code, 10th edition, June 2006, as adopted by the Boiler and Pressure Vessel Rules Board on September 12, 2013. Commissioner Hite made the second. It was voted upon and carried.

7. Discussion of memo concerning conflicts between proposed new Building and Fire codes

The conflicts between the proposed Building and Fire codes had been resolved except for six items on the memo distributed to the members of the Commission. Following a discussion of the fiscal impacts of 20,000 square feet vs. 12,000 square feet and the possibility of putting many schools into a possible non-compliance with the code, it was decided that the discussion should be held in October after the Commission members had a chance to study the issues.

8. Discussion and possible Commission action

Folly Moon
Administrative Cause No. 13-10
Order – Fire and Building Code Enforcement
Notice of Nonfinal Order of Administrative Law Judge

Commissioner Corey affirmed the Notice of Nonfinal Order of Administrative Law Judge for Folly Moon. Commissioner Hoch made the second. It was voted upon and carried.

Fat Boy's Tavern
Administrative Cause No. 13-01
Fine – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Commissioner Corey moved to affirm the Nonfinal Order of Dismissal for Fat Boy's Tavern. The second was made by Commissioner Hoch. It was voted upon and carried.

9. Discussion and Commission action on Petitions for Review (Timely filed unless otherwise noted.)

B&B Drive In of Knox, Inc.
Order – Fire and Building Code Enforcement
Charity Casino Club
Order – Fire and Building Code Enforcement
Etna
Order – Fire and Building Code Enforcement

Commissioner Corey moved to grant the petitions for review, with the second by Commissioner Hite. It was voted upon and carried.

Appeal of Denial of Mechanic Licenses for Scott Gramer and
Darrel Lindley
Elevator/Amusement Ride Safety Section

Commissioner Corey moved to grant the petition for review, with the second by Commissioner Hite. It was voted upon and carried.

10. Comments – Mara Snyder

Ms. Snyder noted that the Building Code was to have the fiscal impact completed by Chairman Hawkins. The Fuel Gas and Mechanical codes should have their final meeting on fiscal impact studies on September 5, 2013. The Fire Code fiscal report has been finished, and all the codes will be submitted at one time so that the effective dates are consistent. NFPA 72 public hearing produced 38 code change proposals, and the report should be in the September mailing for study by the Commission.

11. Chairman Hawkins then adjourned the meeting at 4 p.m.

APPROVED

John Hawkins, Chairman